

IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:24cr76

KYLE ANDREW BABIAK,

DEFENDANT.

REFERRAL ORDER

This Court has been advised that the defendant wishes to enter a plea of guilty. A United States Magistrate Judge is hereby authorized, with the consent of the defendant, to conduct the proceedings required by Federal Rule of Criminal Procedure 11 incident to the making of the plea. *See* 28 U.S.C. § 636(b)(1); *United States v. Benton*, 523 F.3d 424 (4th Cir. 2008). The defendant may consent to the Magistrate Judge conducting the proceedings on a form provided by the Clerk.

If, after conducting such proceedings, the Magistrate Judge recommends accepting the plea of guilty and the associated plea agreement, a pre-sentence investigation shall be conducted, a report will be prepared pursuant to Federal Rule of Criminal Procedure 32, and a sentencing date shall be scheduled. The undersigned District Judge will adjudicate guilt and will determine and impose the sentence.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for the parties.

IT IS SO ORDERED.



Elizabeth W. Hanes
United States District Judge

Newport News, Virginia
Date: February 20, 2025